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IMPLEMENTATION OF PROTECTION FOR CHILD VICTIMS IN THE CRIMINAL JUSTICE PROCESS

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Abstract:

Background.

Aims. The purpose of this study is to evaluate the effectiveness of legal protection provided to child victims of abuse in the criminal justice process. This study uses a Normative Juridical approach.

Methods. Secondary and primary data were used to sharpen the analysis. The data collection technique was library research for secondary data and observation for primary data. Meanwhile, the data was analyzed qualitatively.

Result. The study's results show that children have the right to special protection and access to opportunities guaranteed by law for their physical, mental, and social growth and development.

Conclusion. Children are protected in all aspects of life, including juvenile criminal justice, as Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) regulates the protection of children who are victims of criminal acts.

Implementation. To prevent child abuse, a comprehensive strategy and cooperation between stakeholders are needed, such as increasing the need for children's social interaction and strengthening the communication bond between parents and children.

Keywords: Child of the victim, Criminal justice, Legal protection

INTRODUCTION

As a gift from the Almighty Creator, children should have rights and dignity that are upheld and allowed to develop according to their innate characteristics. Article 1, number 12 in the Child Protection Law explains that children's rights must be protected, guaranteed, and fulfilled by the immediate environment, such as relatives, communities, governments, and the state. This includes the right of children to be mature and mature to the fullest through their physical, psychological, and mental aspects.

Children, as the future heirs of the nation, should have the appropriate rights and needs. On the contrary, children cannot be treated disrespectfully by any party. Children are classified as vulnerable to violence and abuse. For them to develop healthily and according to their stages, we must provide the best care, coaching, and education. This is very important so that there is no *lost generation* in the future.

Today, violence and sexual exploitation of children are becoming more and more frequent, and the impact is very detrimental to their development. Children who experience such violence can feel deep fear and trauma, hindering their ability to trust others. The manipulation carried out by the perpetrator, which looks good in the eyes of the child, is often confusing and creates feelings of guilt that they should not feel. Parents' inability to talk about sexual issues with their children can exacerbate their confusion, which will continue into adulthood, making them more vulnerable to sexual abuse.

Problems related to children are very complex. Many parties are pushing for this issue to be taken seriously. Parental supervision is not only the responsibility of the state, government, and surrounding communities, but child protection is also a responsibility. Children are the country's future, and the state must protect them. Therefore, everything that

concerns actions that can damage and threaten the fundamental rights of children through violence or other crimes must be stopped immediately.

The form of crime that often occurs is child molestation. Sexual abuse is an act that violates moral norms and involves sexual behavior, such as extramarital intercourse or actions that stimulate sexual desire. So it is critical to have clear and firm laws to provide protection for children and punish perpetrators of molestation.

One of the cases that was revealed was sexual violence in the form of molestation of minors at the Darurrahmah Islamic Boarding School, Kertasari Village, Weru District, Cirebon Regency, which was committed by an ustadz to his students. The perpetrator, Wildan Suwardi, carried out this action by asking for a massage from the victim. This case provides an important lesson that the perpetrator, even though he is educated, cannot be separated from the possibility of committing unlawful acts such as obscenity. The perpetrator was sentenced based on the Crime of Child Protection in Law Number 17 of 2016, the second amendment to Law No. 23 of 2002 concerning Child Protection, as stated in Article 76 E of Law Number 17 of 2016. The existence of the Juvenile Criminal Justice System Law is expected to have profound consequences for suspects, where the punishment imposed is heavier than that stipulated in the Criminal Code, and a fine is imposed. The perpetrator is threatened with a maximum sentence of 15 years in prison and a fine of IDR 5 billion. An additional sanction of one-third of the punishment is imposed because the offender is a professional educator.¹

This research is focused on the Implementation Of Legal Protection For Children Who Are Victims In The Juvenile Criminal Justice Process, especially regarding the legal umbrella to protect children as individuals who are harmed by the crime of obscenity. Therefore, to protect the interests of children as individuals who are harmed by acts of abuse, it is crucial to ensure that they feel protected and avoid the trauma caused. This step needs to be taken to carry out maximum protection for children as victims of abuse.

METHOD

This study utilizes a juridical-normative approach, a legal research method focusing on applicable legal norms, principles, and doctrines. This approach is also known as the

¹ Mahardika, D. (2025) The Appearance of Depraved Ustaz Persons Who Molested Students in Cirebon. Retrieved Friday, March 21, 2025 from <https://www.detik.com/jabar/cirebon-raja/d-7801684/tampang-oknum-ustaz-bejat-yang-cabuli-santri-di-cirebon/amp>

doctrinal approach or normative legal research. This approach aims to analyze the regulations related to the defense of children's rights in the criminal justice system. This research utilizes legal sources, both primary, secondary, and tertiary, obtained from laws and regulations, books, encyclopedias, and sources from electronic media, especially data available through the internet.

The *Statute Approach* examines relevant legal regulations, such as Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) and the Convention on the Rights of the Child.

The *Conceptual Approach, based on legal theories and principles of child rights protection, is used to understand how legal protection for children works in criminal justice.* The Case Approach analyzes court decisions relevant to the legal defense of children in criminal justice proceedings.

Data Source

1. Primary Data: Laws and regulations related to the legal protection of children in the criminal justice system.
2. Secondary Data: Books, journals, legal articles, and court verdicts in criminal justice mechanisms that discuss the protection of minors.

Data Collection Techniques

Library *research* involves examining legal documents, academic literature, and case studies from court decisions.

Data Analysis Techniques

The obtained data will be analyzed using the qualitative analysis method, namely by interpreting and connecting the applicable legal norms. Therefore, we can understand the application of child protection in Indonesia's juvenile criminal justice system.

RESULTS AND DISCUSSION

The Puspa Legal Dictionary (1990: 66, 694) defines a child in a formal juridical manner by saying that a child (Ind), or, in Dutch, pupil mindergarije onder voogdij (Bld), is a young person who has the supervision of a parent or guardian.² Meanwhile, the Great Dictionary of the Indonesian (Language Moeliono et al., 1998: 30-31) defines children

² Puspa Dictionary of Law (1990: 66, 694)

etymologically as offspring. This definition refers to children under the age of adulthood who need care, education, protection, and guidance.³

In the same sense, a child is an individual who is born but has not yet reached adulthood. In this case, immature children span a wide range of age groups. According to Al-Ataisi, children consist of infants, toddlers, early childhood (6–15 years), and adolescents (16–21 years old) who are unmarried or adults.

Good behavior towards children helps them understand their rights and their obligations as children to their parents. Thus, children will be formed into individuals valued by their parents, country, society, and especially their own nation. Young children who get a good education and adapt to their environment will become polite and moral adults. Therefore, it is critical to avoid negative behaviors that can push children towards juvenile delinquency.

Protection and law enforcement for child victims of sexual abuse

Children have dignity and value as whole human beings, a gift and trust from the Supreme Creator. Children are interested in being protected and guaranteed the fulfillment of their rights fairly, thus providing the best possibilities for their overall physical, cognitive, spiritual, and social growth⁴.

Barda Nawawi Arief claimed that legal protection for children is a legal effort to maintain many of their independence and fundamental rights and interests related to their welfare.⁵

Maidin Gultom expressed the opinion that, by fully realizing the relevance of the role of children for the future fate of the nation and state, child protection is an effort and activity that involves all levels of society in various roles and positions. Physically and socially aware young people will be ready to replace previous generations.⁶

Law No. 35 of 2014, Article 1, paragraph 2, claims that child protection includes various initiatives designed to protect the interests of children, enable them to live, grow, and develop to the best of their ability, and also actively participate in activities that are under

³ The Great Dictionary of Indonesian Language Moeliono, et al. (1998: 30-31)

⁴ KPAI. *Child Protection Emergency: Portrait of Indonesia's Children's Problems 2010-2013 Response and Recommendations*. Jakarta: Indonesian Child Protection Commission, 201

⁵ Arief, B. N. (1998). *Several aspects of criminal law enforcement and development policies*. Image of Aditya Bakti.

⁶ Gultom, M. (2008). Legal protection of children in the juvenile criminal justice system in Indonesia

their intrinsic dignity. Children have the freedom to be free from all kinds of injustice and abusive treatment. Children also have the right to be protected from ill-treatment in government activities, war or armed conflict, social conflicts, and events that contain violent elements. This policy must be adhered to to protect minors from involvement in group conflicts or incidents of sexual violence.⁷.

Child Abuse Prevention Efforts

Preventing violence against children requires a comprehensive strategy and cooperation among various stakeholders. The importance of comprehensive sex education for children and adolescents is as a prevention strategy that allows them to identify and report harmful behaviors. A deep understanding of the boundary line in public relations is expected to increase children's awareness of the possible threat of abuse. This highlights the importance of community involvement as a crucial element in preventive measures in a social context. The authors advocate the establishment of an early warning mechanism at the community level, as it serves to detect and provide information related to indicators of possible violence against children. Communities are encouraged to raise their awareness of suspicious behavior and actively participate in protecting the children around them. The government is obliged to implement initiatives in effective prevention. To create a quiet community for children. The role of parents is crucial in emphasizing the need to increase interaction with the surrounding environment and the social environment. It involves monitoring children's social interactions and strengthening the bonds of communication between parents and children.

Challenges in Law Enforcement

Law enforcement in Indonesia is facing many significant challenges in dealing with child abuse. The absence of forensic evidence received in court, the lack of qualified staff to handle child abuse cases, and the societal stigma that prevents victims from reporting abuse episodes are some of the significant challenges that law enforcement in Indonesia must address.

⁷ Article 15 of Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection ("Law 35/2014")

These barriers often lead to a reduction in the frequency of reporting and prosecution of perpetrators. It highlights how differences in the legal system can impact the legal protections afforded to sexually exploited children. Specific actions, such as terminating a pregnancy due to rape, may result in different legal treatment, which not only negatively impacts the affected people, but also perpetuates inequities in the legal system. The courage of victims to report abuse is greatly influenced by the inconsistent application of the law and the uncertainty of the legal system.

Children are positioned explicitly within the legal framework as subjects entitled to protect their rights and fulfill certain obligations. Children cannot be directly equated with adults because of inherent physical and spiritual limitations that hinder their ability to fight for legally protected rights. Their unique legal status emphasizes the need for their protection, given that the future of the nation depends on these future generations.

Children, as subjects of state law, need protection, care, and guidance to ensure their well-being. Their legal status is based on principles that affirm that they are incapable of fighting for their own rights, and because of inherent limitations, children will need help to protect their rights effectively.

Article 3 of Law No. 23 of 2002 jo. Law No. 35 of 2014 covers essential components, including the guarantee of children's rights, respect for human dignity, protection of children from acts of violence and social injustice, as well as efforts to improve and support a good, respected, and prosperous childhood, by ensuring that children have the opportunity to grow up in an environment that promotes their optimal development both physically, emotionally, and socially. The basic principles of the Convention on the Rights of the Child include non-discrimination, priority in the child's best interests, the right to life, survival, and development, and respect for the child's views.

CONCLUSION

The results and discussions that have been discussed above can be concluded as follows:

1. Legal protection for children is a legal effort to defend many children's independence, fundamental rights, and welfare interests. Children have the right to be protected from ill-treatment in government activities, war or armed conflict, social conflicts, and events that contain violent elements.

2. To prevent child abuse, a comprehensive strategy and cooperation between stakeholders are needed, such as increasing the need for children's social interaction and strengthening the communication bond between parents and children.
3. Law enforcement often faces significant challenges in dealing with child sexual abuse, such as a lack of resources and inadequate law enforcement agencies. Societal stigma prevents victims from reporting abuse.

BIBLIOGRAPHY

- Al Adawiah, R. (2015). Efforts to prevent violence against children. *Journal of National Security*, 1(2), 279-296.
- Arief, B. N. (1998). *Several aspects of criminal law enforcement and development policies*. Image of Aditya Bakti.
- Article 15 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection ("Law 35/2014")²
- Fauziah, A. (2021). Forms of Violence Against Children and Their *Impact*. Retrieved Friday, March 21, 2025. from <https://dp3ak.jatimprov.go.id/berita/link/21>
- Gultom, M. (2008). *Legal protection of children in the juvenile criminal justice system in Indonesia*.
- Hasan, Z., Annisa, I., Hafizha, A. R., & Nurhalizah, A. (2023). Legal protection for children victims of minor abuse. *Journal of Law and Socio-Politics*, 1(2), 107-114.
- Jamaludin, A. (2021). Legal Protection of Children Victims of Sexual Violence. *JCIC: Journal of CIC Institute for Research and Social Consultancy*, 3(2), 1-10.
- KPAI. *Child Protection Emergency: Portrait of Indonesia's Children's Problems 2010-2013 Response and Recommendations*. Jakarta: Indonesian Child Protection Commission, 201
- Mahardika, D. (2025). *The Appearance of Depraved Ustaz Persons Who Molested Students in Cirebon*. Retrieved Friday, March 21, 2025 from <https://www.detik.com/jabar/cirebon-raya/d-7801684/tampang-oknum-ustaz-bejat-yang-cabuli-santri-di-cirebon/amp>
- Nurjaini, N., & Harahap, M. I. M. (2023). Legal protection for child victims of sexual abuse. *Al-Adalah: Journal of Islamic Law and Politics*, 8(2), 162-173
- Rohalyati, F. (2023). Child Abuse in the Perspective of Criminal Law. *ALADALAH: Journal of Politics, Social, Law and Humanities*, 1(3), 162-172.

- Silaen, C. R.S.H. (2023) *Legal Protection for Child Victims of Sexual Violence*. Retrieved Friday, March 21, 2025 from <https://www.hukumonline.com/klinik/a/perlindungan-hukum-terhadap-anak-korban-kekerasan-seksual-lt64f9bb8c14728/>
- Trimuliana, I. (2024). *The Impact of Sexual Abuse on Early Childhood*. Retrieved Friday, March 21, 2025 from <https://paudpedia.kemdikbud.go.id/galeri-ceria/ruang-artikel/dampak-pelecehan-seksual-pada-anak-usia-dini?ref=MjAzMC05MTZkNzM1Mg==&ix=NDctNGJkMWM0Yj>.
- Yolanda, L (2023) *The Meaning of National Children's Day*
<https://www.komnasham.go.id/index.php/news/2023/7/21/2391/memaknai-hari-anak-nasional.html>